



Linda S.  
Adams  
Secretary for  
Environmental

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 7003 1680 000 6174 7879

July 6, 2006

Mr. Tim Casagrande  
Deputy Director  
Fresno County Community Health Department  
P.O. Box 11867  
Fresno, California 93775

Dear Mr. Casagrande:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, and the Department of Toxic Substances Control conducted a program evaluation of the Fresno County Department of Community Health Department Certified Unified Program Agency (CUPA) on June 21 and 22, 2006. The evaluation consisted of a review of program elements, an in-office program review and a DTSC oversight inspection. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management. The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Evaluation Summary of Findings and I find that Fresno County Department of Community Health Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress toward correcting the identified deficiencies. Submit your quarterly reports to Ms. Robbie Morris by the 15<sup>th</sup> of the month following each quarter. The first report of progress is due on October 15, 2006.

Cal/EPA also noted during this evaluation that the Fresno County Department of Community Health Department has worked to bring about a number of local program innovations, including: Random "Sweep" efforts to identify new businesses who have not voluntarily submitted Business Plans, outstanding training efforts for other CUPAs in the Central Valley, and an aggressive educational outreach for local facilities. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Tim Casagrande  
July 6, 2006  
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Don Johnson", with a long horizontal flourish extending to the right.

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure

cc: See next page

Mr. Tim Casagrande  
July 6, 2006  
Page 3

cc: Mr. Vince Mendez (Sent Via Email)  
Fresno County Community Health Department  
P.O. Box 11867  
Fresno, California 93775

Mr. John Paine (Sent Via Email)  
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Ms. Vickie Sakamoto (Sent Via Email)  
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Mr. Moustafa Abou-Taleb (Sent Via Email)  
Governor's Office of Emergency Services  
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Rancho Cordova, California 95741-9047



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## CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

### CUPA: Fresno County Department of Community Health

Evaluation Date: June 21 and 22, 2006

#### EVALUATION TEAM

Cal/EPA: Robbie Morris  
DTSC: Mark Pierce  
OES: Jack Harrah

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Ms. Robbie Morris at (916) 327-9560.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>Based on the Summary Reports, the CUPA has not met the mandated inspection frequencies for underground storage tank facilities.</p> <p>In FY 04/05, the CUPA inspected 434 out of 537 facilities.</p> <p><b>Citation:</b> HSC 25288(a)</p>	<p>The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.</p>
2	<p>Based on the Summary Reports, the CUPA has not met the mandated inspection frequencies for CalARP facilities in the past three years.</p> <p>In FY 04/05, the CUPA inspected 1 out of 89 facilities;</p> <p>In FY 03/04, the CUPA inspected none of the 76 facilities;</p> <p>In FY 02/03, the CUPA inspected 2 out of 45 facilities.</p> <p><b>Citation:</b> HSC 25537(a)</p>	<p>The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

3	<p>The CUPA is not conducting inspections with a frequency that is consistent with its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has not inspected all 1076 hazardous waste generators that have been identified by the CUPA. The last three annual inspection summary reports indicate the following:</p> <ol style="list-style-type: none"> <li>1) 1117 hazardous waste generators were identified in Fiscal Year 02/03 of which 125 were inspected,</li> <li>2) 975 hazardous waste generators were identified in Fiscal Year 03/04 of which 171 were inspected,</li> <li>3) 1076 hazardous waste generators were identified in Fiscal Year 04/05 of which 113 were inspected.</li> </ol> <p>The CUPA has inspected approximately 38% of all known facilities generating hazardous waste over the past three fiscal years. A random review of the files reflects this. For instance, Ito Packing Co was inspected on 11/04/1999 and later on 08/18/04. Other facilities such as the following have not been inspected:</p> <ol style="list-style-type: none"> <li>1) ACT Dry cleaning located at 4266 North Fresno in Fresno, CA.</li> <li>2) British Steel Restorations located at 2464 North Fordham in Fresno, CA.</li> <li>3) Clovis Specialty Plating located at 1366 North Sierra Vista in Fresno, CA.</li> <li>4) Craft Radiator located at 1810 13<sup>th</sup> Street in Reedly, CA.</li> <li>5) Dulco Printing located at 740 East Belmont in Fresno, CA.</li> <li>6) Greenleaf Farms located in Sanger, CA</li> </ol> <p><b>Citation:</b> T27 15200(b)(1) &amp; (2)</p>	<p>The CUPA is currently gearing efforts toward meeting the mandated frequencies through program planning and hiring new staff. The CUPA shall complete inspections of all facilities including tiered permitted facilities within its three year inspection cycle. To verify status, the CUPA will provide the number of inspections completed in the quarterly reports.</p>
4	<p>The FY 04/05 self-audit submitted to Cal/EPA did not contain all of the required elements.</p> <p><b>Citation:</b> T27 15180(b)(1)(B)</p>	<p>By October 1, 2006 the CUPA will submit a Self Audit that contains all of the requirements.</p>
6	<p>The CUPA is not fully tracking and reporting Return to Compliance on their Annual Inspection Summary Report 3.</p> <p><b>Citation:</b> T27 15290(a)2</p>	<p>By October 1, 2006, the CUPA will track and report Return to Compliances on Summary Report 3. The CUPA incorporated a check box on the</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

		Inspection Report to ensure the Inspector leaves the RTC form with the business owner.
7	<p>The CUPA is not fully tracking and reporting enforcement actions taken on their Annual Enforcement Summary Report 4 for the past three fiscal years.</p> <p><b>Citation:</b> T27 15290(a)3</p>	<p>Effective in 2005, The CUPA began taking formal enforcement actions and issuing AEOs and is tracking them. The CUPA will report this on the 2006 Summary Report 4.</p>
8	<p>The CUPA is not tracking and reporting CalARP fees on Summary Report 2.</p> <p><b>Citation:</b> T27 15290(a)1</p>	<p>Effective in 2005, the CUPA began collecting Cal/ARP fees and is currently tracking them. The CUPA will report them on the 2006 Summary Report 2.</p>
9	<p>Based on the summary reports, the CUPA did not collect Cal/ARP fees during the last three fiscal years.</p> <p><b>Citation:</b> T27 15250(a)(7)</p>	<p>Effective in 2005, the CUPA began invoicing and collecting the Cal/ARP fees, therefore the deficiency has been corrected.</p>
10	<p>The CUPA's Unified Program dispute resolution procedure does not address all of the elements required by the CalARP Program regulations.</p> <p><b>Citation:</b> T19 2780.1</p>	<p>By August 22, 2006, The CUPA shall develop a CalARP dispute resolution procedure or modify the existing procedure to accommodate the CalARP requirements.</p>
11	<p>Based on review of facilities files, the CUPA is unable to document that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification. For the following facility inspections no documentation could be found in the files supporting that the facility had returned to compliance:</p> <p>1)Blackstone Brake 1558 North Effie #102 Fresno, CA 02/27/2004 inspection</p> <p>2) Malava, Inc. 3875 East Jensen Fresno, CA 04/28/2004 inspection</p> <p>3)Bruno's Iron &amp; Metal 3211 South Golden State Blvd. Fresno, Ca 01/28/2003 inspection</p>	<p>Effective in 2005, the CUPA incorporated a check box on the Inspection Report to ensure the Inspectors leave the RTC form with the business owner. Based on review of recent files, the CUPA has demonstrated receipt of RTC certificates.</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

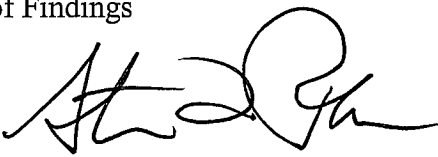
	<p>4) Ito Packing Company 707 West South Avenue Fresno, CA 11/04/1999 inspection</p> <p><b>Citation:</b> HSC, section 25187.8(g) (1)</p>	
12	<p>The CUPA did not conduct a complete oversight inspection. During the inspection, the following was noted:</p> <ol style="list-style-type: none"> <li>1) Inspector failed to determine whether the owner was required to keep a written tank assessment on file certified by a qualified engineer registered in California as required by Title 22 Section 66265.192</li> <li>2) Inspector failed to determine whether the owner was required to keep a written daily tank inspection log as required by Title 22 Section 67450.3(c) (9) (F) and Title 22 Section 66265.195.</li> </ol>	This deficiency was corrected onsite.
13	<p>Based on review of complaint investigation forms, the CUPA failed to take formal enforcement for some Class I violations. For example, on 11/03/05 at Johnston Industrial Supply, the CUPA inspector determined that machine cleaning waste was disposed into the solid waste stream of a dumpster.</p> <p>A Class I violation means any of the following under HSC section 25110.8.5:</p> <p>(a) A deviation from the requirements of this chapter, or any regulation, standard, requirement, or permit or interim status document condition adopted pursuant to this chapter, that is any of the following:</p> <ol style="list-style-type: none"> <li>(1) The deviation represents a significant threat to human health or safety or the environment because of one or more of the following: <ol style="list-style-type: none"> <li>(A) The volume of the waste.</li> <li>(B) The relative hazardousness of the waste.</li> <li>(C) The proximity of the population at risk.</li> </ol> </li> <li>(2) The deviation is significant enough that it could result in a failure to accomplish any of the following: <ol style="list-style-type: none"> <li>(A) Ensure that hazardous waste is destined for, and delivered to, an authorized hazardous waste facility.</li> <li>(B) Prevent releases of hazardous waste or constituents to the environment during the active or post closure period of facility operation.</li> <li>(C) Ensure early detection of releases of hazardous</li> </ol> </li> </ol>	<p>Effective immediately, any Class I violation must be addressed through a formal enforcement action according to the State Enforcement Response Policy. For assistance in using DTSC Enforcement Response Policy EO-02-003-PP, please contact your DTSC CUPA liaison.</p>

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

	<p>waste or constituents.</p> <p>(D) Ensure adequate financial resources to pay for facility closure.</p> <p>(F) Perform emergency cleanup operations of, or other corrective action for releases.</p> <p>(b) The deviation is a Class II violation which is a chronic violation or committed by a recalcitrant violator. "Class II Violation" has the same meaning as defined in Section 66260.10 of Title 22 of the California Code of Regulations.</p>	
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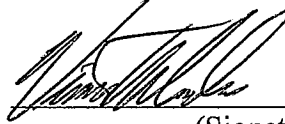
Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

STEVEN RHODES 

CUPA Representative

VINCENT MENDES

(Print Name)

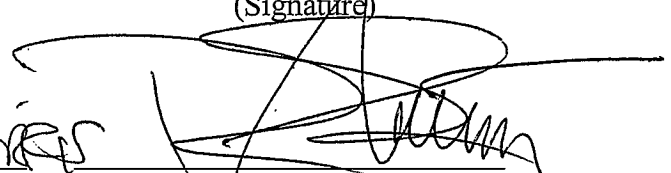


(Signature)

Evaluation Team Leader

RSSIE NIKS

(Print Name)



(Signature)

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** Due to intense efforts by the CUPA, the CUPA became 100% fee funded last year. This allows the CUPA to have the resources to implement the Program.

**Recommendation:** Keep up the good work.

2. **Observation:** The CUPA currently utilizes a windows based version of Envision, however not all components are functional. The CUPA is planning to transition to a new version of Envision, "Envision Connect", which is a web-based program that will allow Inspectors to employ pen-based hand held units in the field to conduct inspections. CUPA Environmental Management is in the process of developing a plan to purchase, transition, and implement this software when it becomes available.

**Recommendation:** Cal/EPA recognizes this software is not fully available at this time and encourages the CUPA to continue to move forward with the transition as the product becomes.

3. **Observation:** During the April 2006 National Public Health Week, the CUPA Emergency Response Team was not only nominated, but received the local prestigious honor award as the "Public Health Champions". The award was given to the Department for exemplifying the Department's Mission, which is to promote, preserve, and protect the well being of the community and to ensure the optimal public health of the public.

**Recommendation:** Congratulations. Keep up the good work.

4. **Observation:** The CUPA is tasked with responding to follow ups for hazardous materials complaints and Emergency Response incidences. Therefore workloads are shifted which impacts the CUPA program elements adversely (such as not meeting mandated inspection frequencies). The CUPA informed Cal/EPA that they are moving toward acquiring a new classification entitled "Hazardous Materials Inspectors" and hiring additional personnel to accommodate the workload.

**Recommendation:** Cal/EPA recognizes the importance of responding to complaints and ER incidences. Continue staffing efforts to acquire additional inspectors as discussed to meet mandated inspection frequencies.

5. **Observation:** The CUPA has taken significant effort to collect on delinquent fees and has decrease outstanding debt progressively in the last several years.

**Recommendation:** Keep up the good efforts.

6. **Observation:** The CUPA's Area Plan is currently undergoing revision.

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**Recommendation:** If the plan is not finalized before the SB-391 mandated changes to the Area Plan regulations [T19 2720-2728] take effect, the Area Plan will be subject to these revised regulations which mandate the inclusion of pesticide drift protocols with the next revision and the CUPA shall include them accordingly. The CUPA's new Area Plan should include a reporting form, as required by T19 2720(c), an optional example of which is included in the regulations.

7. **Observation:** Although the CUPA has not yet completely brought agricultural handlers into the Business Plan program, a plan to do so is in place and is being implemented.

**Recommendation:** This is excellent progress to solve a major state-wide problem. Keep up the good work.

8. **Observation:** There is a difference of approximately 1696 facilities between what the CUPA has reported in its latest inspection summary report for Fiscal Year 2004-2005 and the total number of businesses manifesting off hazardous waste with active EPA ID numbers listed in the Department's Hazardous Waste Tracking System.

**Recommendation:** The CUPA should reconcile its hazardous waste generator data base providing a total of 1076 facilities with that of the Department of Toxic Substances Control's Hazardous Waste Tracking System indicating a total of 2772 facilities.

9. **Observation:** The CUPA has incorporated documenting consent on its most recent inspection reports since the last triennial evaluation.

**Recommendation:** Remind inspectors to check off the consent box on inspection reports. Some instances were found, for example, such as the inspection conducted on 02/22/04 at Blackstone Brake, the inspection conducted on 04/04/2006 at Brad's Auto Body, and the inspection conducted at Bingham Toyota Scion on 04/19/2006 where consent to conducted these inspections had not been documented.

10. **Observation:** The CUPA was able to demonstrate that the following complaints which were referred by DTSC from January 1, 2004 to June 1, 2006 were investigated. Follow-up documentation could be found for Complaints Nos., 05-1005-0529, 05-0105-0040, 05-0405-0203, 04-1104-0677, 04-0704-0445, 04-0704-0449, 05-0105-007, 05-0105-0015, 05-0405-0164, 05-0405-0165, 04-0404-0235, 04-0404-0235, 04-0504-0291, 04-0904-0576, 05-0605-02721, 05-0705-0329, 05-0705-0346, and 06-0406-0208. However, no follow up documentation could be found for the following complaints: 04-1104-0636, 04-0204-0103, 04-0904-0543, 04-0604-0376, 04-0504-0311, 04-0604-0359, 05-0405-0165, 04-0304-0170, 04-0404-0235, 04-1004-0605, 04-0104-0003, 06-0306-0148, and 06-0406-0198,

**Recommendation:** Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to [slaney@dtsc.ca.gov], Complaint Coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

by inspection report or by “note to file” and placed in the facility file. Please notify the DTSC Complaint Coordinator of the disposition of all complaints

Certified Unified Program Agency (CUPA)  
Evaluation Summary of Findings

**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA maintains a website that not only provides general information regarding their Unified Program but allows public access to inspection reports of regulated facilities, as well as inspection reports for other programs under the Environmental Health Section, such as food services, milk and dairy, water system, pools, and housing facilities. For those who do not have computer access at home, the CUPA facilitates easy access to files in person public inquiries. If a public request is made in person at the CUPA office, computer access is available for the file reviewer to review facility files. Additionally, upon request, the CUPA will download the facility files and provide a compact disc to the file reviewer.
2. To keep underground storage tank (UST) permits and fees current, the CUPA sends out a pre-invoice notification letter to the regulated facility 30 days prior to the expiration date. The notice requests the UST owner to arrange an inspection date and time, obtain their monitoring equipment certification, and to submit the required fees. A similar pre-invoice notification letter is also sent out to businesses that fall under the Hazardous Materials Business Plan (HMBP) program. This letter requests the business owner to review and submit the annual HMBP prior to the due date. The notice clearly states what the business owner shall do, depending on whether changes have or have not occurred.
3. To identify new businesses not under the CUPA program that are required to submit business plans, the CUPA conducted a "sweep" effort that facilitated 300 new regulated facilities last year. This "sweep" effort continues on an on-going basis as new staff is hired and trained. Additionally, the CUPA has instituted an action plan for inspections, with the goal of getting back on track with respect to triennial Business Plan inspections. This goal is between 8 and 10 inspections per staff per month.
4. The CUPA is a major training coordinator for other CUPAs in the Central Valley. The CUPA's training program is first-rate. CUPA personnel are highly knowledgeable in the requirements of the Business Plan and CalARP Programs. In the past few years, they have facilitated trainings with State and other agencies, geared toward CUPA personnel such as the Basic Inspector Academy, Hazardous Waste Recycling and Regulations, and Unknown Substances Identification. The CUPA is facilitating a one day workshop on Business Plans, Spill Reporting, Cal/ARP and Area Plans in August 2006, prepared and conducted by the Office of Emergency Services.
5. The CUPA conducts educational outreach efforts for local businesses, including farmers, in cooperation with the agricultural commission to ensure business plan compliance. Other efforts include a pollution prevention presentation for automotive repair facilities, a mercury waste workshop, and an Environmental Compliance Workshop for metal finishers, fleet maintenance, and automotive repair facilities.
6. In addition to the standard written documentation, during inspections, the CUPA takes photographs of all violations and maintains them digitally in the facilities e-file. This allows for better documentation for return to compliance or if necessary, formal enforcement action.